

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
STEPHANIE A. GALLAGHER
UNITED STATES MAGISTRATE JUDGE
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September 6, 2016

Stephen Brewer
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Derek P. Roussillon, Esq.
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100 Light Street
Baltimore, MD 21202

RE: The Sherwin Williams Company, et al. v. Stephen Brewer
Civil Case No. SAG-15-557

Dear Mr. Brewer and Counsel:

I have reviewed Plaintiffs' Motion to Compel Discovery and for Sanctions, which was addressed to Defendant Stephen Brewer. [ECF No. 50]. Mr. Brewer did not file a response to the motion. No hearing is deemed necessary. *See* Local Rule 105.6 (D. Md. 2016). For the reasons that follow, Plaintiffs' Motion to Compel is granted, and Plaintiffs' counsel should submit a statement of reasonable fees and expenses incurred although sanctions will not be imposed at this time.

Plaintiffs propounded written discovery requests on Mr. Brewer on June 21, 2016. Responses were due on or before July 25, 2016, but to date, Mr. Brewer has not served any responses. Mr. Brewer has also not filed the initial disclosures required by Fed. Rule Civ. Proc. 26(a). In addition, Plaintiffs sought to schedule Mr. Brewer's deposition for a time after his discovery responses had been received. Mr. Brewer was not responsive to Plaintiffs' scheduling efforts and would not agree to a date to be deposed in Maryland. After reviewing the materials attached to Plaintiffs' motion, I find that Plaintiffs have made good faith efforts to confer with Mr. Brewer to obtain the necessary discovery, but Mr. Brewer has simply not fulfilled his obligations.

Plaintiffs' Motion to Compel is properly filed under Fed. R. Civ. Proc. 37(a)(3)(B) and Local Rule 104.8, and will be granted. Mr. Brewer is ordered to serve full and complete responses to Plaintiffs' Interrogatories and Requests for Production of Documents on or before **September 20, 2016**. Mr. Brewer is further ordered to serve his initial disclosures, as described in Fed. Rule Civ. Proc. 26(a), by that same date.

Fed. R. Civ. Proc. 37(a)(5)(A) requires that I order Mr. Brewer to pay Plaintiffs the reasonable expenses incurred in making this motion, including attorneys' fees, unless Mr. Brewer's failure to respond was substantially justified or other circumstances render an award of expenses unjust. Accordingly, Plaintiffs are directed to file an itemized request for payment of reasonable

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expenses on or before **September 20, 2016**. Mr. Brewer should file any opposition on or before **October 4, 2016**, and can oppose the request either on the basis that the requested expenses are unreasonable or on the grounds described above. If Mr. Brewer files an opposition, any reply from Plaintiffs will be due on or before **October 11, 2016**.

Despite the informal nature of this letter, it is an Order of the Court and will be docketed as such.

Sincerely yours,

A handwritten signature in blue ink, consisting of a stylized 'S' followed by a long horizontal line.

Stephanie A. Gallagher
United States Magistrate Judge